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Application No.: 09/519,206
Office Action Dated: December 18, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of:
Derek Hoeim, Martyn S. Lovell, and
Steve Seixeiro

Confirmation No.: 8410

Application No.: 09/519,206

Group Art Unit: 2174

Filing Date: March 6, 2000

Examiner: Mylinh T. Tran

For: METHOD AND APPARATUS FOR A UNIFIED USER INTERFACE

EXPRESS MAIL LABEL NO: _EV 302214727 US_
DATE OF DEPOSIT: _June 8, 2004_

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Technology Center 2100

Sir:

**DECLARATION SWEARING BACK OF REFERENCE
PURSUANT TO 37 CFR 1.131**

I, the undersigned, hereby declare that:

1. I am a co-inventor for the above-identified patent application, filed on March 5, 2000, which

claims priority to U.S. Provisional Patent Application No. 60/122,998 filed March 5, 1999.

2. In the Office Action dated December 18, 2003, Claims 1, 6, 7, 11, 14-15, and 21-22 have

been rejected by the Examiner under 35 U.S.C. § 102(e) as being anticipated by Wugofski (U.S.

Patent No. 6,317,143), and Claims 2-5, 8-10, 12-13, 16-20, and 23 have been rejected by the

Examiner under 35 U.S.C. § 103(a) as unpatentable over Wugofski in view of Buxton et al. (U.S.

Patent No. 6,469,714). The Wufgofski reference was filed on January 26, 1999 without any claim to an earlier priority date.

3. Prior to January 26, 1999, I and my co-inventors, Derek Hoeim and Martyn Lovell, conceived of and reduced to practice the invention described in the above-referenced patent application and which is claimed in independent Claims 1, 7, 9, 11, 14, 16, 17, 21, 22, and 23 of said application as originally filed and as subsequently amended, as well as in additional claims that depend therefrom.

4. Attached hereto as Exhibits A and B are copies of the documents that were consolidated together and filed as the aforementioned provisional patent application on March 5, 1999. Exhibit A is copy of the paper entitled "Adding Menus & Menu Items to the New Visual Studio Shell" which I authored and which I know for fact was completed prior to January 26, 1999 as evidenced by the file creation date for this document, an email string by which I forwarded this document to my colleagues, and my own personal recollection. This document was subsequently included in the aforementioned provisional patent application to which the present application claims priority (where the date on the title page and footer of each page of this document is the date the document was printed per an auto-update field in the electronic document file). Exhibit B is copy of the paper entitled "Command Bar UI" that, according to the file creation date as shown on the document itself (as the "last change" date), and to the best of my recollection, was likewise completed prior to January 26, 1999 and was subsequently included, without further revision, in the aforementioned provisional patent application to which the present application claims priority.

5. Exhibits A and B, taken together, are the technical basis for the specification of the present application and the claims supported thereby, and these documents establish that our conception of the invention in the present application predates the filing date for the Wugofski patent. The invention described by these papers was then diligently reduced to practice and subsequently incorporated into Microsoft Visual Studio Version 6 (which was released prior to January 26, 1999).

6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information or belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or by imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful statements may jeopardize the validity of the application, any patent issuing there upon, or any patent to which this verified statement is directed.

Steve Seixeiro

June 8, 2004
(Date)